S.B. CIVIL WRIT PETITION NO.2701/2005

Dr. M.K. Bairagi Vs. State of Raj. and others.

Date : 10.5.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. SD Purohit, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the notice dated 22.3.2005 (Annex.6) by which according to the petitioner, the respondents have issued notice with an intention to prosecute the petitioner.

It appears from the notice that only information has been sought from the petitioner about his right to practice in alternate medicine. The matter is at inquiry stage before the appropriate authority only and assuming for sake of arguments that still there is no material before the concerned authority against the petitioner, then also, the said authority has not levelled any allegation against the petitioner before any competent officer by filing any F.I.R. and have not submitted any complaint before the court of law to prosecute the matter. Hence, what are the allegations against the petitioner are not known.

According to learned counsel for the petitioner, since

the petitioner is registered medical practitioner under the provisions which are in force in West Bengal and since the petitioner has no registration certificate from the State of Rajasthan, there is every likelihood that the petitioner will be prosecuted.

The facts are required to be considered by the concerned authority after getting every material and information from the petitioner and thereafter, the authority will proceed in the matter can be presumed and, therefore, when the petitioner has been given opportunity to put forward his case, the action of the respondents cannot be condemned by any stretch of imagination. Hence, it is better for the petitioner to place material before the concerned authority.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed. However, the petitioner may submit his reply to the concerned authority if he has not already submitted within a period of one week from today along with a copy of this order.

(PRAKASH TATIA), J.

S.Phophaliya